

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

GIOVANNA TALMADGE,

Case No.

Plaintiff,

Judge:

Magistrate Judge:

v.

LOWE'S HOME CENTERS, LLC,

Defendant.

NOTICE OF FILING NOTICE OF REMOVAL (FEDERAL COURT)

**NOTICE OF REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

NOTICE OF FILING NOTICE OF REMOVAL (CIRCUIT COURT)

APPEARANCE (FEDERAL COURT)

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

GIOVANNA TALMADGE,

Case No.

Plaintiff,

Judge:

Mag. Judge:

v.

LOWE'S HOME CENTERS, LLC,

Defendant.

**NOTICE OF FILING REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

PLEASE TAKE NOTICE that, pursuant to 28 USC §1441, Defendant, Lowe's Home Centers, LLC, [hereinafter "Lowe's"], hereby files with the Clerk of the Court a copy of its Notice of Removal, attached hereto, and which was filed with the United States District Court, Eastern District of Michigan, on July 28, 2021.

PLUNKETT COONEY

DATED: 7/28/21

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 East Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010
rnimmo@plunkettcooney.com

CERTIFICATE OF ELECTRONIC FILING

Ridley S. Nimmo, II certifies that a copy of the Removal documents and this Certificate of Electronic Filing was electronically filed with the United States District Court, Eastern District of Michigan, in the above cause on 7/28/21. A copy will be provided to counsel of record via first class mail. I declare under the penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

/s/Ridley S. Nimmo, II
Ridley S. Nimmo, II (P54783)
Attorney for Defendant
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Flint, MI 48502
810-342-7010
rnimmo@plunkettcooney.com

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

GIOVANNA TALMADGE,

Case No.

Plaintiff,

Judge:

Magistrate Judge:

v.

LOWE'S HOME CENTERS, LLC,

Defendant.

**NOTICE OF REMOVAL FOR CAUSE TO THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

NOW COMES Defendant, Lowe's Home Centers, LLC, improperly named in Plaintiff's Initial Complaint, properly known as Lowe's Home Centers, LLC, [hereinafter "Lowe's"], by and through its attorneys, Plunkett Cooney, pursuant to 28 U.S.C.A. §§ 1332, 1441 and 1446, hereby files this Notice of Removal of the above-captioned matter to the United States District Court for the Eastern District of Michigan, from the Wayne County Circuit Court where the action is now pending and states as follows:

1. The above-captioned matter was filed in Wayne County Circuit Court on or about June 24, 2021, and is now pending in that court.

2. Defendant Lowe's first received a copy of the Summons and Complaint in this matter on or about July 1, 2021.

3. The above-captioned matter is a suit at common law of a civil nature brought by Plaintiff, Giovanna Talmadge, in which the Plaintiff seeks monetary damages as a result of Defendant's alleged negligence.

4. The above-captioned matter involves a controversy which is wholly between citizens of different states in that at the time of the commencement of this action in Wayne County Circuit Court, the Plaintiff was a citizen and resident of the Charter Township of Canton, County of Wayne, State of Michigan; and the Defendant Lowe's, was, and still is, a foreign corporation under the laws of the State of North Carolina and its principal place of business in North Carolina (and Lowe's Home Centers, LLC is a manager-managed LLC with a single member, Lowe's Companies, Inc.; Lowe's Companies, Inc. is a North Carolina corporation with its principal place of business in North Carolina.).

5. This action is one over which the District Courts of the United States are given original jurisdiction.

6. The time within which Defendant is required to file this Notice of Removal to Federal Court has not yet expired.

7. According to the allegations in Plaintiff's Complaint, Plaintiff seeks to recover monetary damages in connection with alleged injuries sustained as a result of Defendant's alleged negligence.

8. According to Plaintiff's Complaint, attached as Exhibit A, Plaintiff seeks to recover damages in excess of \$25,000, exclusive of interest and costs in this matter, for injuries Plaintiff alleges are serious, long-lasting, permanent and ongoing. Further, Plaintiff's counsel has specifically advised that the amount in controversy exceeds \$75,000.00 in this case.

9. Defendant files with this Notice a copy of all process, pleadings and orders served upon Defendant in this action (See Exhibit A, including Plaintiff's Complaint and Order Amending Caption and Substitution of Proper Party Defendant).

10. This action is removable to this Court under and by virtue of the acts of Congress of the United States.

11. Defendant has served written notice of the filing of this Notice as required by 28 U.S.C.A. § 1446(d).

12. A copy of this Notice will be filed with the Clerk of the Wayne County Circuit Court, as required by 28 U.S.C.A. § 1446(d).

WHEREFORE, Defendant Lowe's respectfully requests that it may effectuate removal of this action from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan, and that this action proceed in this Court as an action properly removed.

Respectfully submitted,

PLUNKETT COONEY

Dated: 7/28/21

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
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rnimmo@plunkettcooney.com

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GIOVANNA TALMADGE,

Case No. 21-007709-NO

Plaintiff,

Honorable Brian R. Sullivan

v

LOWE'S HOME CENTERS, LLC,

Defendant.

THOMAS H. BLASKE (P26760)
JOHN F. TURCK IV (P67670)
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NOTICE OF FILING REMOVAL
WITH THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1441, Defendant, Lowe's Home Centers, LLC, hereby files its Notice of Removal, a copy of which is attached hereto and which was filed with the United States District Court, Eastern District of Michigan on July 28, 2021.

PLUNKETT COONEY

Date: 7/28/21

By: /s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 E. Court St., Suite 1B
Flint, MI 48502
(810) 342-7010 (810) 232-3159 Fax
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PROOF OF SERVICE

CHRISTINE KNOTTS, being first duly sworn, deposes and says that she is employed by PLUNKETT COONEY, and that on July 28, 2021, she served a copy of Notice of Filing Removal, Notice of Removal to Federal Court, and Proof of Service upon all counsel of record by electronically filing the foregoing paper with the Clerk of the Court using the MI File system which will send notification of such filing. Further, I declare that the above statements are true to the best of my knowledge, information and belief.

/s/ Christine J. Knotts
CHRISTINE J. KNOTTS

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

GIOVANNA TALMADGE,

Case No.

Plaintiff,

Judge:

Magistrate Judge:

v.

LOWE'S HOME CENTERS, LLC,

Defendant.

APPEARANCE

PLEASE ENTER my Appearance as attorney in the above-entitled matter
for the Defendant, Lowe's Home Centers, LLC.

Respectfully submitted,

PLUNKETT COONEY

Dated: 7/28/21

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendant
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010
rnimmo@plunkettcooney.com

CERTIFICATE OF ELECTRONIC FILING

Ridley S. Nimmo, II certifies that a copy of the Appearance and this Certificate of Electronic Filing was electronically filed with the United States District Court, Eastern District of Michigan, in the above cause on 7/28/21. A copy will be provided to counsel of record via first class mail. I declare under the penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

/s/Ridley S. Nimmo, II
Ridley S. Nimmo, II (P54783)
Attorney for Defendant
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